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AN INTERVIEW WITH CHIEF JUDGE SHARION AYCOCK

*G. Todd Butler**

In January 2021, I had the pleasure of sitting down with Chief Judge Aycock on the *Mississippi College Law Review's* behalf. Judge Aycock was gracious with her time and humble as usual. She began by expressing gratitude to the *Law Review* for putting this issue together. In a profession where humility can be a scarce commodity, Judge Aycock's sense of gratitude serves as a model for all attorneys.

My questions sought to explore Judge Aycock the person, the lawyer, and the judge. We discussed her upbringing in small-town Mississippi and influences that led her to a career in the law. We addressed her work as a practitioner and her judicial service, inclusive of challenges along the way. I hope readers of this article are as encouraged as I am by the state of our courts with individuals like Judge Aycock at the helm.

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GTB: I know it's cliché to ask, "Why did you want to be a lawyer, or why did you go to law school?" But that's where I'd like to start. What led you to the law?

SA: This one is pretty simple. While I was in college, I never dreamed I would go to law school. I was in my last semester at Mississippi State. I had an economics professor ask me what I planned to do once I graduated. I said I was probably going to go home and work on the farm. He suggested that I take the LSAT the following Saturday. Four days later, I did. I enjoyed my college days at Mississippi State, especially the social activities. When I got to law school, I really became more of a nerd. I loved law school and just jumped in. Once I started, I was thankful that, by mere chance, I had ended up in law school.

GTB: I grew up in a small town with only one red light, and I never knew any lawyers growing up. I can't imagine Tremont had a booming legal community either. Did you have any lawyer influences growing up?

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SA: I did, but I don't think I realized at the time that they were influencing me. I grew up in Tremont, but Fulton is 10 miles away. It was the county seat, so my parents and grandparents would go to there to do business. My grandfather used two female attorneys, which was rare in those days because most towns didn't have any female attorneys. Eupal Dozier was one of them and Nell May was the other. Mrs. Dozier was one of the first women to practice in the state, and she was the first female to represent a board of supervisors and the Tennessee Valley Authority. I didn't understand all of that until much later when I began to reflect back. I didn't think of being a woman as a barrier because I had known these two women lawyers who had been very successful in my home county.

GTB: At Mississippi College, I recall the class pictures hanging in the hallway. I remember seeing your picture before I ever met you because you had been Editor-in-Chief of the Law Review, which means your picture is stationed at the top of the composite. What do you remember about your Law Review experience?

SA: This is a great question. I think timing was critical to my experience. Mississippi College School was going through accreditation, and we were trying to get a Law Review up and running. I have this picture that is vivid in my mind of the library. That was the space where we all gathered to work on the Law Review, and I didn't fully appreciate the work that had to go into getting a Law Review article published. There were two experiences in my life that I think prepared me in a lot of ways for law practice and then eventually being on the bench. I want to regress just a minute. One of those was when I was at Mississippi State. I was the president of my sorority, which was a fun experience. What people see is an organization of girls that do charity work, benefits, and that kind of thing. That was a really, really good experience for me. I immediately understood when I was at Mississippi State that this was a lot of responsibility and a lot of obligation. Everybody else could go off and have fun, but I really had to get this thing done. I had to keep it organized and together. I learned, from a leadership standpoint, about working with people and how you get people to work as a team. In law school, I was co-Editor-in-Chief during my third year. We were brand new and not yet well organized. I found myself being more of a motivator. I have very fond memories, but it was scary at the same time because of the huge responsibility. It was a lot of work and very long hours. We had nothing to rely on from the past. We worked days, nights, and weekends in that tiny office. Your question prompts me to think again about all those draft changes. We didn't have computers, so it wasn't a matter of correcting things easily. It taught me so much about production deadlines and getting things done. There of course is no way the Editor-in-

Chief can do all the work. You really had to have an A team in place willing to give it their all. To this day, I remember us walking the package to the post office to drop off the content for publication.

GTB: Sticking with the law school topic, I feel like everyone has that one professor who really makes the difference in how they think about the law. During my time, it was Professor Jeff Jackson, who I know you were very fond of. Did you have any memorable professors during law school?

SA: Well, I could not narrow it down to one. I just have to say that the atmosphere at Mississippi College was so conducive to learning in the sense that everybody was supporting everybody. The professors were really supportive of the students. You have to remember that, in my first year of law school, there were only eight females. By the time we finished, all the students had such a close relationship. In hindsight, I realize that Carol West was instrumental in so many things because she helped with Law Review. She also was the librarian. I worked one summer, part time, in the library. I always respected how much she did for the college and for the law school. Of course, one professor that I really remember is Larry Lee. He taught me federal tax. To this day, I can't fill out a tax return that I don't think about calling Larry Lee with a question. I really enjoyed Lee Hetherington as well. He taught contracts and made it fun. Richard Bennett was an adjunct professor, and he taught bankruptcy. He was great in terms of sharing real world experiences. I chose to attend Mississippi College for many reasons, the primary reason being its location in Jackson. My experience was a wonderful blend of academic and practical learning. I enjoyed all my professors.

GTB: After law school, there was much diversity in your practice, which I suspect you would say served you well when you went on the bench. I know that you represented governmental entities and even prosecuted criminal cases. What are some of your most memorable experiences as a lawyer?

SA: When I graduated, I had a chance to clerk for the Mississippi Supreme Court. I turned it down and have kicked myself 1000 times since. I needed that clerkship experience. But I was ready to come home, hang a shingle, and practice law. I just couldn't wait. I am probably the luckiest person in the world, in that I could come back to a hometown or, I should say, a home county. I managed to have a successful practice. I represented municipalities, the school board, and the gas district. These clients afforded me steady income and state retirement. I also had really great individual clients as well as corporations, and businesses. You've got to count

yourself lucky if you're in a town of 2,500 people, and you've got such a mixed bag of work. I was very fortunate and have many fond memories. I especially enjoyed working with the public entities because much of the work I did for them is still in place today. One example is that, for a time, there was a statewide moratorium on nursing homes. We had a county hospital that sat vacant for five years or so, and, when I was the attorney for the Board of Supervisors, we persuaded the Legislature to lift the moratorium, and the vacant building became a nursing home facility. Interestingly, when the project eventually got off the ground, the first patient admitted was my grandfather. So, I guess in terms of things that I'm most proud of, those public projects are meaningful to me because of how much it meant to my hometown community.

GTB: There have been a lot of “firsts” in your career, but one of them is being the first female elected to serve as President of the Mississippi Bar Foundation in 2000. What led you to serve in that capacity, and what do you recall about your tenure as President?

SA: Driving back and forth to Jackson is what I remember most. It took a lot of time. I had served on the Board of Bar Commissioners, was from a rural area of the state, was female, and was a sole practitioner. Typically, attorneys in the Jackson area serve in the President role because it is logistically easier, but I took the job very seriously. I thought it important to be involved in the Bar. And as much time as it took, I know that I got more out of it. I learned so much from the meetings, particularly about the needs across the state and the importance of pro bono representation. Lawyers come in different sizes, with different backgrounds, with different attitudes, with different motivations and intentions, so it was eye opening to see it from a bigger picture instead of just my small town.

GTB: Three years after you were elected President, you were elected to another position: Circuit Judge of the First Judicial District. When did you decide you wanted to be a judge? I've heard a lot of elected judges say that they love being a judge but hate campaigning. Was that your experience as well, or did you enjoy having to get out and politic?

SA: I loved campaigning. I had been encouraged to run by lawyers in our district, very reputable and established lawyers. I had never thought about running for judge, but I felt called to duty. I was scared because I ran against three incumbents, two of whom were well positioned in the district. The morning of the last day to qualify, May 2, 2002, I woke my husband up at five a.m. and said, “Get dressed. We're driving to Jackson. We're going to qualify.” By the time we got in the car and started back home, I

had committees formed. My experience was a really good one. Of course, I was glad when I had no opposition at the end of the four-year term, but I enjoyed the campaigning experience. I have not eaten fried catfish since 2002 because I ate so much of it on the campaign trail. There were things that I learned during that period that have influenced me. One of them, to this day, just troubles me. I was campaigning in Tishomingo County, and they were having a festival. When I gave my campaign card to a young Girl Scout Leader, with all sincerity, she said, "I did not realize a woman could be a judge." She said it honestly and innocently. And so then you think, oh my goodness, can I ever persuade enough women to vote for me. You hope there is a segment of the population that would be receptive. Things like that make you think you are in for an uphill battle, but I also got much recognition because no other female had run for a judgeship. I would be in a grocery store, on the sidewalk, and women who I did not know would come up to me and support me and say, "Sharion, I just want you to know we're voting for you." It was overwhelming. Grassroots people that I would have never thought cared enough about judgeships would send cards and letters of encouragement. All of that was very heartwarming and made me really want to get elected. We worked very hard. I was organized. Another experience I had was, on the fourth of July when we were at a campaign event, one of my supporters gave this older gentleman a card, and he said, "Oh, she's pretty." My supporter quickly responded: "Well, I would like for you to consider voting for her for reasons other than that she's pretty, okay." That moment stuck with me over the years. It was a real teaching experience. Even if I had lost, I wouldn't have changed anything because of the experience. I learned a lot.

GTB: Well, the campaigning didn't last long because President Bush would nominate you to the federal bench in 2007. And of course, you were unanimously confirmed, which is unheard of these days. I remember having heard you say that you watched the vote on C-Span from Canada with your husband Randy, but can you share the details with me again?

SA: It was a hunting trip, and I was in the marsh and heard my phone ring. That was the first problem because I had promised Randy that I would not take the phone with me. The phone rang, I'm in my waders, and I tried to rush back to get the phone. Of course, I did not succeed in doing that before it stopped ringing. It was a 202 number, so I knew that was D.C. I returned the missed call, and one of Senator Cochran's staff members told me that my confirmation vote would be the next day. So, we borrowed a computer and watched C-Span. We started early in the morning because we didn't know when it would happen. We watched it in the hotel room all day long. Bored, anxious, and scared. It was around four or five o'clock in the

afternoon when it happened. I remember Senator Leahy speaking about snow removal in Vermont, and then suddenly we start seeing the numbers come up. We watch it but aren't able to get a final count. About that time, the phone rings, and it's Senator Lott. He says, "Congratulations Sharion." I said, "Are you sure? Are you positive?" And he said, "Yes, Sharion. I was there, and I did vote for you." He has always kidded me about that. What I didn't realize was that C-Span was about 90 seconds behind. He immediately called when it was final, but I didn't know it was done. Afterwards, was a whirlwind. The media was calling, my family was calling, we were calling family, we were calling friends. You first have to explain why you would go to Canada during the confirmation vote. Well, we had some assurances that it wouldn't happen when it did, but we were very thankful. We were stranded for a day trying to get a ticket home to Mississippi.

GTB: You were on the state court bench for about four years and have been on the federal bench for nearly 14 now. What are the biggest similarities and differences that stick out from those experiences?

SA: That is a good question because there are so many similar things, and there are so many things different. I believe my state court experience prepared me well for federal court. Frankly, I can't imagine walking in without some "judging experience." I needed that cushion where you learn that the decision-making process always leave some people dissatisfied. I would say the similarities really have to do with courtroom practice. If you are in the middle of a case in which there's good counsel on both sides, if a stranger walked in, they wouldn't know if you were in federal court or state court. There are very good lawyers in both. If you've got good, skilled lawyers, they make it easy for the judge no matter the jurisdiction. I think the types of cases are pretty similar, for instance, we hear drugs and guns in the criminal cases in both venues. But there are differences too. I'll start with law clerks. I only had help my last year in state court, when the Legislature approved one law clerk per district. So I shared a law clerk with two other judges. When you get to federal court, you have two or three, depending on how you set up your office. That was very different. Of course, I think the other thing that comes to my mind is the volume. I would have a state court arraignment day, which would easily involve 275 people. I don't have arraignments now. I usually don't see people until they appear before me for a change of plea or trial. Sentencing also is different in federal court. There are a lot more resources in federal court to deal with sentencing issues, including presentence reports. I remember the first time I looked at a 25-page, presentence report that told me everything about that defendant from juvenile on up. I had been sentencing defendants in state

court knowing nothing. That was a real awakening and troubling moment for me. In state court, there is a lot more reliance on the government's recommendation. It also was a new for me to have eight-person civil juries versus 12. That format is different. Ultimately, I won't say that one system is better than the other. There are some aspects of each that I think are good and bad.

GTB: Of course we've talked about a lot of accomplishments and a lot of good experiences. But I guess, as they say, nothing is all butterflies and rainbows. What do you see as some of the bigger challenges that you've experienced in the profession, and how have you dealt with them?

SA: I'm first going to kind of address it as a lawyer back in private practice and then speak to that as a judge. I think as a lawyer in private practice some of the greatest challenges I had was my emotion. Living in a county where everybody knew everybody. Whatever decision you made, whatever client you took, half the population liked it while half the population didn't like it. The challenges in private practice had more to do with who are you, what are you doing here, are you confident – things like that. Toward the end of my practice, it became challenging to have the big national clients. They wanted the firm. They wanted the resources. They wanted these things that made it harder to practice in a small town. That was a challenge. As a judge, I think some of the greatest challenges are the emotions of doing the job. You have to decide what's right, what's fair, what credit should this defendant receive, what's driving this, what's driving the underlying reasons, why is he in court, and so on. We also deal with a lot of sophisticated issues, so its challenging to stay abreast of changes.

GTB: I know how important your law clerk family is to you and how proud you are of your alumni. What do you look for when choosing clerks, and what advice would you give students who may want to pursue a clerkship with you or another judge?

SA: Loaded question with no single answer. You are correct. I love my court family. I love my law clerks, current and former. I'm looking for people that are smart but also are good people. Good in the heart, but you have to have smarts too, someone who writes well, concisely, can convey all the things needed for quality opinions. So I would say the writing sample is important, although it doesn't tell me the whole story. I want somebody that's compatible with chambers. We do team interviews. I've done team interviews since the first interview I did coming as a judge. It has always been my experience that my current law clerks can see things that I don't see. They ask questions that I don't ask. They're much more

in tune with social media and how that might impact somebody's attitudes or what their position on a legal topic might be. You've got to work with five or six other people and be happy and make it fun. I believe if clerks are having a good time and they feel like they're learning, then I think that carries over to their job performance. It never ceases to amaze me what law clerks give me in hours of time, work, and thought. The product that law clerks produce is excellent. It's excellent work. In my mind, I think teamwork is probably the thing that is most important – so compatibility is key. I want these clerks to have the full experience. I want them to be able to come to my house, go in my backyard, and ride a four-wheeler. I want them to be able to go to the courtroom and see the formal ceremonies. I want them to sit in other judges' courtrooms. I don't do it right every time; they need to see the differences between judges. I stay in touch with my law clerks. I continue to contact them on birthdays and see them. They continue to call me for advice on career choices. They've given me a lot more than I have given them. We've always tried to work in partnership, but I will assure you, I'm the weaker partner. These folks are smart beyond my understanding of how they can be that smart. It's worked well. I have this question asked of me a good bit from other judges because I have had a very successful crew of clerks. They have made district judges, prosecutors, and corporate lawyers. They have run the gamut. I am very proud of them.